

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2015 AUG 12 AM 7:44

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: *gph*
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. SA-14-CR-090-01(FB)

RAMIRO RAMOS-GARZA,

Defendant.

**AGREED ORDER REVOKING SUPERVISED RELEASE
AND RE-SENTENCING DEFENDANT**

On this day came on to be considered the Petition to revoke the Defendant's supervised release filed August 14, 2014. The parties, whose signatures appear below, have proposed a resolution of this matter, with which the Court concurs, supported by the following findings.

1. Supervised Release Violations. A 3 year term of Supervised Release was ordered as a condition of the sentence imposed upon the Defendant, on June 11, 2014 by this Court. The term of Supervised Release began on June 11, 2014 and the Defendant was deported on June 25, 2014. The Defendant violated the conditions of supervised release as set out in the Probation Department's Petition for Warrant or Summons for Offender Under Supervision, filed August 14, 2014. Specifically, on July 23, 2014 the defendant was found back in the United States in violation of 8 U.S.C. § 1326(b)(1). He was convicted by guilty plea on October 3, 2014 in the Southern District of Texas Laredo Division of Illegal Entry under cause number 5:14-CR-0723 and was sentenced to 13 months imprisonment by the Honorable George Kazen. This is a Grade B violation. The Probation Officer has determined that the advisory Guideline Range of

imprisonment stands at 6-12 months.

2. *Defendant's acknowledgments.* The Defendant acknowledges that: (1) upon revocation of his supervised release, the Court could assess imprisonment up to a statutory maximum of 24 months, consecutive to any other sentence imposed or to be imposed upon him; (2) the United States bears the burden of proving charged violations of supervised release by a preponderance of the evidence; (3) he admits committing the misconduct summarized above; and (4) the United States could prove such misconduct by a preponderance of the evidence.

3. *Defendant's waiver of rights.* Through their signatures below, the Defendant and his attorney specifically assert, and the Court finds, that the Defendant voluntarily, knowingly, and intelligently: (1) waives his rights under the Constitution, FED. R. CRIM. P. 32.1(b)(2), and 43, Title 18 U.S.C. Section 3583(e)(3), (g)(1), and/or otherwise, to be present and participating with his lawyer at a proceeding at which the Defendant's supervised release is revoked and he is re-sentenced, as accomplished by this Order; (2) waives his rights through any means to appeal, challenge, modify, or seek any reduction in supervised release revocation punishment assessed by, this Order (unless the Defendant proves prejudice from errors of constitutional magnitude involving ineffective assistance of his counsel or prosecutorial misconduct); and (3) requests that the Court enter this Order forthwith without the necessity of any further hearing or appearance by the Defendant or his counsel.

4. *Defendant and Government Agree to a Sentencing Range:* The Government and Defendant agree to a sentence of **six (6) months consecutive** to the sentence imposed in cause number 5:14-CR-0723.

5. *Court's Decision:* In view of the foregoing, based on defendant's uncontested violation of his supervised release, for which there is adequate factual basis as summarized above, the Court reaches the following decision:

1) Defendant's term of supervised release is revoked pursuant to Title 18 U.S.C. Section 3583(e)(3).

2) Defendant is remanded to the custody of the Bureau of Prisons for **six (6) months consecutive** to the sentence imposed in cause number 5:14-CR-0723.

The defendant shall receive credit for time served dating back to his federal arrest on the petition for warrant. There will be no further supervised release to follow in this case.

SIGNED this 12th day of Aug, 2015

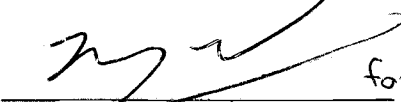

FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE

UNDERSTOOD AND AGREED TO IN EVERY RESPECT


DATE: 8/11, 2015


RAMIRO RAMOS GARZA
Defendant

DATE: 8/11, 2015


for Molly L. Roth
MOLLY ROTH
Attorney for Defendant

DATE: 8/10, 2015


CHRISTINA PLAYTON
Assistant U.S. Attorney

(Counsel for the Government has conferred with the USPO and the Officer agrees that sentence within the guideline range is appropriate.)